

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STEVEN JOHNSON,

Plaintiff,

v.

CHRISTOPHER THOMAS, et al.,

Defendants.

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CIVIL ACTION

No. 16-5188

ORDER

AND NOW, this 1st day of February, 2017, upon consideration of Defendants, Christopher Thomas and City of Philadelphia's Motion to Dismiss Plaintiff's Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. No. 6), Plaintiff, Steven Johnson's Response in Opposition thereto, and Defendants' Reply, it is hereby **ORDERED** that the Motion is **DENIED**. In light of Plaintiff's filing of an Amended Complaint, it is hereby **ORDERED** that Defendants' earlier Motion to Dismiss (Doc. No. 3) is also **DENIED** as **MOOT**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE